



Newly Elected President Erik Møse Addresses Staff

On 13 June 2003, the newly elected President of the Tribunal, Judge Erik Møse spoke to staff members in the Simba Hall.



Judge Erik Møse, President of the Tribunal

“Dear Friends and Colleagues,

In 1999, at the beginning of the second four-year mandate of the ICTR, all staff members were invited to assemble here in Simba Hall and meet with the judges. We have found it useful to invite you to

a similar event at the commencement of our third mandate. This occasion provides us with the opportunity to review the achievements of the Tribunal to date and to look at the challenges ahead.

Let us first recall that the trials at the ICTR started in January 1997, a few months after the arrival of the first accused. Until then, there was limited infrastructure, no court-rooms and many problems. My predecessor, Judge Pillay, has mentioned that during the first years she had to read court documents by candle-light because of frequent power-cuts. Of the judges who are present here today, Judge Sekule and Judge Ostrovsky have been at the ICTR from the very start. I know that also some staff members formed part of those pioneering times. In spite of the challenges, the six judges of the first mandate managed to deliver six judgements involving seven accused in the course of two and half years, between January 1997 and 1999.

In May 1999, at the beginning of the second mandate, some of you will recall that there were almost no tarmac roads in Arusha and only limited supplies of very many items. Within the Tribunal, many judicial and administrative reforms were still needed. The improvements from May 1999 to May 2003 have been amazing. The Tribunal has been a very busy court, for quite a long time now, with the three Chambers sitting lengthy hours, equipped with very modern court facilities and assisted by a highly professional staff. As a result, during the last four years, the Chambers have doubled their judicial output. Accordingly, since the first trials in 1997, our Tribunal shall have handed down 15

judgements, involving 21 accused, by the end of 2003. I would like to thank all of you who have made this achievement possible. And let me stress that the contribution of each and every one of you, irrespective of position, is essential to achieve our aims for the third mandate.

Our first aim is to continue, as previously, to deliver justice. This is important for the accused, for the victims, for Rwanda, for the international community, and for humanity. Let us, for a moment, look at this goal within a broader perspective. The ICTR and the ICTY, our sister Tribunal in The Hague, are important members of the UN family, both with yearly budgets of about 100 million USD. But, as courts, they have important specific characteristics, which distinguish them from other UN organs. Our main task, to deliver justice, means to ensure fair trials without undue delay. This carries with it particular challenges for all employees at the Tribunals. All our activities must be geared towards this end. In everyday life, it may be easy to forget this responsibility. Routine matters, deadlines, budgetary negotiations, accidents, and an immense workload may some times lead us into what the French call “la grisaille quotidienne”, daily grey routine life. But we must never forget the reason why we are in Arusha: our mission to build international criminal justice. This being said, let us also recall and regret the tragic loss of lives of ICTR staff members during the second mandate because of illness and accidents.

The trials in Nuremberg and Tokyo represented milestones in the development of humanitarian law.

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Eighteen *ad litem* judges elected to the ICTR

The United Nations General Assembly elected 18 *ad litem* judges to the ICTR on 25 June 2003. The judges will further expedite the Tribunal's work.



The United Nations General Assembly Hall

The *ad litem* judges are:

Aydin Sefa Akay (Turkey), Florence Rita Arrey (Cameroon), Solomy Balungi Bossa (Uganda), Robert Fremr (Czech Republic), Taghreed Hikmat (Jordan), Karin Hokborg (Sweden), Vagn Joensen (Denmark), Gberdao Gustave Kam (Burkina Faso), Tan Sri Dato 'Hj. Mohd. Azmi Dato 'Hj. Kamaruddin (Malaysia), Flavia Lattanzi (Italy), Kenneth Machin (United Kingdom), Joseph Edward Chiondo Masanche (United Republic of Tanzania), Lee Gacuiga Muthoga (Kenya), Seon Ki Park (Republic of Korea), Mparany Mamy Richard Rajohnson (Madagascar), Emile Francis Short (Ghana), Albertus Henricus Joannes Swart (The Netherlands) and Aura Emerita Guerra de Villalaz (Panama).

The election follows United Nations Security Council Resolution 1431 (2002) to establish a pool of *ad litem* judges for the ICTR. The judges will serve a four-year term from 25 June 2003. A maximum of four *ad litem* judges shall be members of each Trial Chamber at any one time.

New Composition of ICTR Trial and Appeals Chambers Announced

After consultations with the Judges, the new composition of the ICTR Trial and Appeals Chambers was announced in early June.



ICTR Registrar, Prosecutor and Judges after the Plenary Session

ICTR Trial Chamber I now consists of Judge Erik Møse of Norway, presiding, and Judges Jai Ram Reddy of Fiji and Sergei Aleckseievich Egorov of the Russian Federation.

Judge William H. Sekule, from Tanzania, is the president of Trial Chamber II, and is joined on the bench by Judges Arlette Ramarason of Madagascar and Asoka de Zoysa Gunawardana from Sri Lanka.

Trial Chamber III is made up of presiding Judge Lloyd George Williams, of Saint Kitts and Nevis, and Judge Andrésia Vaz of Senegal, with Judge Egorov temporarily assigned to the Chamber pursuant to ICTR Rule 27(C).

President Erik Møse assigned Judges Mehmet Güney (Turkey) and Inés Mónica de Weinberg Roca (Argentina) to the Appeals Chamber in accordance with Article 13(3) of the ICTR Statute.

ICTR Judicial Calendar July to August 2003

The ICTR judicial calendar for July and August 2003 has been finalized.

Trial Chamber I will hear the Military Trial until 18 July, to then continue at a later date. The Chamber will hear closing arguments in the Media Trial from 18 to 22 August.

Trial Chamber II will hear closing arguments in the Kajelijeli Case from 14 to 16 July, and closing arguments in the Kamuhanda Trial from 19 to 21 August.

Trial Chamber III will commence the Gachumbitsi Trial on 28 July. The Chamber will hear closing arguments in the Cyanguu Trial from 11 to 15 August 2003.

New Measures Streamline ICTR Proceedings

Amendments made to ICTR Rules during last month's Plenary Session have resulted in a more streamlined judicial and administrative structure. Following the changes, trials can now continue with substitute judges, and a new Plea Agreement procedure applies.

To further expedite proceedings, the Plenary Session, which met from 26 to 27 May, also altered rules affecting cross-examination and various administrative matters.

The amendment of Rule 15 *bis* of the ICTR Rules of Procedure and Evidence means a trial can now continue with a substitute judge. According to the amended rule, this can occur if a sitting judge dies, falls ill, resigns or is not re-elected. The rule also applies where a judge is unable to continue sitting for any other reason.

Prior to this reform, trials could continue in the absence of one of the three judges for a brief period, or for longer periods with the consent of the accused.

A key reason for the introduction of the substitute judge rule was the length of trials. Re-starting proceedings because a sitting judge was unavailable could unacceptably extend the time an accused spent in custody prior to judgement.

Meanwhile, the Plenary further expedited ICTR operations by introducing a new Plea Agreement procedure. Now, under a new Rule 62 *bis*, the Prosecution and Defence can make an agreement about amending an indictment and sentence submission on condition that the accused pleads guilty. Such agreements, however, are not binding on the Trial Chamber.

Other changes included that of Rule 90, which deals with witness cross-examination. Cross-examination is now limited to matters raised by a witness' testimony given during examination-in-chief.



Trial Chamber III in session

On an administrative level, new Rules 23 *bis* and 23 *ter* created a Coordination Council and a Management Committee to facilitate the ICTR's work.

The Council is charged with the successful conclusion of the Tribunal's completion strategy. The Committee will assist the President of the Tribunal in exercising his supervisory responsibility over activities relating to the administrative and judicial support of the Chambers and the Judges.

During the course of this year's Plenary Session, ICTR Judges considered a total of 44 proposals for changes to Tribunal Rules, eventually passing 23.

Military Trial Reopens, Progresses at Rapid Pace

The Military Trial reopened before Trial Chamber I on 16 June 2003, and has since progressed rapidly. In the week of the trial's reopening, the Chamber, composed of Judges Erik Møse, presiding, Jai Ram Reddy and Sergei Aleckseievich Egorov, heard four witnesses. Two of these witnesses, Georges Ruggiu and Omar Serushago, had previously been convicted by the ICTR.



Ruggiu



Serushago

The trial was reassigned from Trial Chamber III to Trial Chamber I in early June 2003, under ICTR Rule 19(A). Following the reassignment, it was decided that the case would continue, rather than beginning *de novo*, before the new Trial Chamber.

Address to ICTR Staff by President Erik Møse

...(continued from pg. 1)

Now, the present engineers of international criminal justice are in Arusha and The Hague, and you are all indispensable parts of this process, directly or indirectly. Let me seize this opportunity, on behalf of the judges and Counsel for the Prosecution and the Defence, to invite each and every one of you to attend our court hearings from time to time. I know that some of you have never observed a trial proceeding, maybe because of your workload. But a short visit in the courtroom gives a feeling of our common mission. I also hope that you are regularly reading the Bulletin and the

newly established Newsletter, which provide useful information about our judicial activities.

This brings us to a second aim: our completion strategy. The third mandate, which extends until May 2007, is absolutely crucial in this respect. Let us recall where we stand now. In addition to the trials involving 21 accused which I just mentioned, two other proceedings, often referred to as the Military and the Butare cases, started during the second mandate. The Military case, involving four accused, continues on Monday 16 June. The Butare case, with six accused, is currently addressing procedural issues, following the non-election of Judge Maqutu. Both of these cases are voluminous. The point that I would like to emphasize is that important ICTR work is in progress, involving 31 accused who have been brought to trial – in completed or on-going proceedings.

Four new cases involving ten accused will start in the second half of 2003, and another trial of one accused is ready for early 2004. The trials include the two important Government cases, each with four accused, which will commence when the new *ad litem* judges arrive. The election of the pool of these 18 judges will take place in the General Assembly on 25 June. It follows from the relevant Security Council resolution that we will be able to use only four *ad litem* judges at any one time. It will be important to increase this number. At the ICTY, nine *ad litem* judges sit at any one time.

We can thus summarize our projected agenda as follows. The Tribunal will, in all probability, have completed or started cases involving 42 accused around the end of this year or early 2004. This is an important achievement. Of the remaining 20 accused presently in our detention facilities, four are joined in the Military II proceeding, which is the only remaining large case. The other cases in this group of 20 accused relate mostly to single accused and will require only limited time in the courtroom. But let me stress that every case is important and will be dealt with thoroughly.

Butare, Military I and II and Government I and II are complex and voluminous cases. They deserve and will be given priority. The judges are of the view that twin-tracking of big cases should be avoided in the third mandate. The challenge will be to find the right balance between the steady progress of these lengthy cases and the completion of small cases that require limited time in the courtroom.

It follows from this overview that our Tribunal will be faced with particular challenges in its third mandate. There will be an increased need for coordination, consultation and cooperation among the three organs of the Tribunal. For these reasons, the judges adopted two new provisions at the recent Plenary session held during the last week of May. Pursuant to one newly adopted rule, a Co-ordination Council, composed of the President, the Prosecutor and the Registrar, will meet

regularly. We have already held a first meeting just after the Plenary, and we will meet again in the first half of July. Another innovation is the Management Committee, composed of the President, the Vice President (Judge Vaz), one elected judge (Judge Ramaroson) and the Registrar. The establishment of committees does not in itself solve any problems, but they provide useful forums where the organs of the Tribunal may adopt common strategies to achieve our aims. Let me also say that the appointments earlier this year of a Deputy Prosecutor and a Chief of Prosecutions have greatly facilitated further progress.

I have mentioned the three organs of the Tribunal: the Chambers, the Prosecution and the Registry. But let us not forget the Defence. Even though its position is not formally institutionalized in our Statute, the role of Defence Counsel is indispensable to ensure fair trials within reasonable time and its contribution is greatly appreciated.

This then is a very brief overview of our judicial achievements at the beginning of our third mandate. The ICTR is steaming ahead, thanks to the contribution of each and every one of you. Our progress is being noted by observers, such as the press, NGOs, Governments, UNHQ and, more generally, the international community. You have reason to be proud of your organization. The third mandate will certainly pose new challenges, and further improvements will be required. But with our joint efforts we will succeed. On behalf of the Judges I thank you for your constant efforts towards the fulfillment of our common task.”

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International Journals Acknowledge Tribunal's Work

A leading international journal has published an issue dedicated solely to the work of the ICTR, again demonstrating the Tribunal's impact on international law. The latest edition of **Criminal Law Forum**, entitled the Rwanda Tribunal Special Issue, contains five articles that document the breadth of the ICTR's achievements.



The issue, whose contributors are all current ICTR staff, examines the Tribunal's development of the law of genocide, violations of the Geneva Conventions and command responsibility. Also included is a discussion of the disclosure of evidence and the right to counsel before the Tribunal.

In the journal's preface, ICTR Registrar, Adama Dieng, underlines the Tribunal's innovation in these areas.

“From indictment to conviction for genocide, ICTR case law has paved the way for an organised, systematic and exemplary punishment of this crime in all its manifestations,” writes Mr. Dieng.

This pioneering approach extends to the ICTR’s treatment of violations of international humanitarian law committed in Rwanda in 1994, he adds.

“[The Tribunal’s] legal rationale, based more on doctrine than on precedent, has averted a trivialisation of these crimes which otherwise would be characterised as ordinary crimes. The ICTR, in that manner, has charted the way forward.”

The *Criminal Law Forum* special issue is especially significant given the quarterly’s international reach. The publication, which is the official journal of the Canada-based Society for the Reform of Criminal Law, counts leading scholars and practitioners of international criminal law among its readership.

Criminal Law Forum, Volume 13, Number 3, 2002 : Rwanda Tribunal Special Issue, is available in the ICTR Library, or online at:
<http://www.kluweronline.com/issn/1046-8374/current>

The second edition of the **ICTR Reports of Orders, Decisions and Judgements** was released in late May 2003.



The publication, which covers the year 1998, was compiled and edited by the *Université Libre de Bruxelles (ULB)*. It was presented on 25 May 2003 by the *ULB*’s Ms. Catherine Denis at a function in honour of former ICTR President, Navanethem Pillay.

The first edition of the Reports covers the years 1995 to 1997. Editions for the years 1999 and 2000 are currently in progress.

The Second Volume can be ordered directly from the publishers at: <http://www.bruylant.be/>

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Deputy Registrar Visits Kigali

The ICTR Deputy Registrar, Mr. Lovemore G. Munlo, made his first familiarization visit to Rwanda from 13 to 20 June 2003. While in Kigali the Deputy Registrar held a series of briefing sessions with the OIC Deputy Chief of Administration, Chief of Investigations, various Chief of Units in the Registry and the Executive Committee of the Staff Association.

On 14 June 2003 the Deputy Registrar visited one of the sites of the Genocide called Murambi site in

Gikongoro Province. He also visited the ICTR Umusanzu Documentation Centre and was impressed to see how the centre is attracting a great number of visitors from all walks of life each day.

The Deputy Registrar then paid a courtesy call on the Ambassador of the United States, Mrs. Margaret



Mr. L. G. Munlo, Deputy Registrar, in a pensive mood at the genocide site in Murambi, Gikongoro prefecture, Rwanda

McMillan, the Ambassador of the United Kingdom in Rwanda, Ms. Sue Hogwood and the Head of European Union Delegation to Rwanda, Mr. Jeremy Lester. All these meetings were extremely useful. They identified the need to continue dialogue between ICTR and all major stakeholders in Rwanda at different levels. In this regard the signing of an Agreement between ICTR and ORINFOR was hailed as yet another milestone. It was also agreed that one area which should be looked at was a possible visit to the Tribunal of the Ambassadors accredited to Rwanda so that they have an on site insight of the work of the Tribunal.

Among the Government leaders who the Deputy Registrar saw were Honourable Simeon Rwagasore, the Chief of Justice of Rwanda. The meeting was most cordial. The Chief Justice briefed the Deputy Registrar on the ongoing Judicial Reform Programme. The two also discussed the refurbishment of the Supreme Court which is to commence early next year by funds provided for by the European Union.

The Deputy Registrar was very warmly welcomed at the Chambers of the Honourable Minister of Justice Mr. Jean de Dieu Muyco who declared his readiness to work with the ICTR in order to ensure that an appropriate climate is maintained between ICTR and Rwanda so that the mandate of the Tribunal is achieved without impediments.

The Deputy Registrar then paid a courtesy call on the Deputy Speaker of the National Assembly Honourable Higor Prosper and some members of Parliament. The Deputy Speaker appreciated the visit that the Registrar made to the National Assembly and the subsequent actions he undertook in response to what was agreed on during the visit. Finally, the Deputy Registrar paid a

courtesy call on Ms. Fatouma Ndagiza, Executive Secretary of the Unity and Reconciliation Commission. He also addressed ICTR members of staff in Kigali before he departed for Arusha.

The whole visit was very successful and it was clear that it is very important to have vigilant advocacy and to keep the lives of communication open in order to ensure the Security Council mandate to the Tribunal is fully discharged.

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ICTY Information Chief's Visit Strengthens Inter-Tribunal Cooperation

Mr. Christian Chartier, Chief of Public Information Services at the International Criminal Tribunal for the former Yugoslavia (ICTY), visited the ICTR from 11 June to 18 June 2003. The purpose of Mr. Chartier's stay was to strengthen cooperation between the ICTR and the ICTY, and to increase information sharing between the two bodies.



Mr. Chartier, Mr. Amoussouga, Mr. Renaud (OTP Chief of Investigations) and Mr. Munlo at a briefing session with OTP staff in Kigali

While at the ICTR, Mr. Chartier observed the general operations of the Tribunal, as well as those of its External Affairs and Strategic Planning (ERSP) section. In relation to the latter, he discussed the ICTY's approach to press work and its innovation in this area.

Mr. Chartier also accompanied Roland Amoussouga, ICTR Spokesperson and Chief of ERSP, on an official visit to Rwanda. In Kigali from 13 June to 16 June 2003, Mr. Chartier and Mr. Amoussouga examined the ICTR's operations in Rwanda, including its Outreach Program

On 17 June 2003 Mr. Chartier, with Mr. Amoussouga, gave a Press Briefing at the ICTR's Press Centre, before returning to The Hague, The Netherlands, the following day.

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ICTR Jurisprudence – African Archives Deposition Project

In the framework of the Tribunal's completion strategy, Court Management Section [CMS] has initiated a project of collaboration with a selected group of African archives. The aim of the project is to ensure continued ease of access for researchers within Africa to the jurisprudence of the ICTR. The judicial archives will on the completion of the ICTR's mandate, be deposited with the UN HQ archives in New York. However, that scenario is not one that will allow African researchers to access our jurisprudence without traveling to New York. The current ICTR web site will probably not be accessible after the completion of the mandate hence the increased importance of the physical archives itself. It is envisaged that in a phased manner beginning in 2004 we can begin to transfer copies of our public judicial records to the archival institutions involved.

A preliminary meeting took place in Arusha from 19-23 June 2003 between the Senior Documentation Officer from the African Union, Mme Sika Frepeau, and staff from CMS. These meetings were to evaluate the volume of records that are involved in any future deposition and transfer, discussion of options in terms of the storage format of the records, future migration strategy and the 'way ahead'. It is planned that the transfer of copies of the judicial archives will include all public records irrespective of format. The audio-visual component of the judicial archives will also be included.

Further discussions and negotiations will take place between the ICTR and the National Archives of Senegal and South Africa to accept a copy of the archival legacy of the ICTR. The feasibility of including an archival institution within Rwanda and Malawi is also being investigated.

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Rwandan Magistrates, Prosecutors and Members of Parliament to visit ICTR soon

The visit of Rwandan Magistrates and Prosecutors to Arusha, as part of our ongoing cooperation, will help promote partnership and better understanding of the ICTR among the judiciary in Rwanda. Also proposed is a visit by Honourable Members of the Rwandan Parliament in the near future.

Tribunal Proceedings to be Broadcast In Rwanda



Rwandese children

The United Nations International Criminal Tribunal for Rwanda and the *Office Rwandais de l'information (ORINFOR)* on 16 June 2003 have agreed on an operational arrangement which will enable Radio Rwanda to broadcast Tribunal proceedings.

This arrangement calls for the need to make the work of the Tribunal widely known and understood by the Rwanda people and thereby, "contribute to the process of national reconciliation and restoration and maintenance of peace."

The operational arrangement will involve the stationing of a Radio Rwanda journalist in Arusha to produce and report about the work of the ICTR.

The project, funded through the ICTR Trust Fund of voluntary contributions is part of the Tribunal's Outreach Programme in Rwanda which also saw the establishment of a UNICTR Information and Documentation Centre in Kigali Rwanda more than two years ago.

Note from the Registrar and the ERSPS

All comments on the first issue of the ICTR Newsletter have been received with thanks and will be taken into consideration in our future issues.